



The Gazette of India

EXTRAORDINARY.

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NEW DELHI, SATURDAY, FEBRUARY 13, 1937.

GOVERNMENT OF INDIA.

LEGISLATIVE ASSEMBLY DEPARTMENT.

NOTIFICATION.

New Delhi, the 12th February 1937.

No. F. 110-I/37-A.—Under rule 18 of the Indian Legislative Rules, the Governor General has been pleased to order the publication in the *Gazette of India* of the following Bill, together with the Statement of Objects and Reasons relating thereto, and the Bill and Statement of Objects and Reasons are accordingly published for general information:—

L. A. BILL* No. 10 OF 1937.

A Bill to provide for the grading and marking of agricultural produce.

WHEREAS it is expedient to provide for the grading and marking of agricultural produce; It is hereby enacted as follows:—

1. (1) This Act may be called the Agricultural Produce (Grading and Marking) Act, 1937. short title and extent.

(2) It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas but excluding Burma.

* The Governor General has been pleased to accord the sanction required by section 67 (2) of the Government of India Act.

Explanations.

2. In this Act, unless the contrary appears from the subject or context, —

- (a) "agricultural produce" includes all produce of agriculture or horticulture and all articles of food or drink wholly or partly manufactured from any such produce, and fleeces and the skins of animals ;
- (b) "counterfeit" has the meaning assigned to that word by section 28 of the Indian Penal Code ;
- (c) "covering" includes any vessel, box, crate, wrapper, tray or other container ;
- (d) "grade designation" means a designation prescribed as indicative of the quality of any scheduled article ;
- (e) "grade designation mark" means a mark prescribed as representing a particular grade designation ;
- (f) "quality", in relation to any article, includes the state and condition of the article ;
- (g) "prescribed" means prescribed by rules made under this Act ;
- (h) "scheduled article" means an article included in the Schedule ; and
- (i) an article is said to be marked with a grade designation mark, if the article itself is marked with a grade designation mark or any covering containing or label attached to such article is so marked.

Prescription of grade designations.

3. The Governor General in Council may, by notification in the Gazette of India, make rules —

- (a) fixing grade designations to indicate the quality of any scheduled article ;
- (b) defining the quality indicated by every grade designation ;
- (c) specifying grade designation marks to represent particular grade designations ;
- (d) authorising a person or a body of persons, subject to any prescribed conditions, to mark with a grade designation mark any article in respect of which such mark has been prescribed or any covering containing or label attached to any such article ;
- (e) specifying the conditions referred to in clause (d) including in respect of any article conditions as to the manner of marking, the manner in which the article shall be packed, the type of covering to be used, and the quantity by weight, number or otherwise to be included in each covering ;
- (f) providing for the payment of any expenses incurred in connection with the manufacture or use of any implement necessary for the reproduction of a grade designation mark or with the manufacture or use of any covering or label marked with a grade designation mark ; and
- (g) providing for the confiscation and disposal of produce marked otherwise than in accordance with the prescribed conditions with a grade designation mark.

Penalty for unauthorised marking with grade designation mark.

4. Whoever marks any scheduled article with a grade designation mark, not being authorised to do so by rule made under section 3, or otherwise than in accordance with any conditions prescribed thereunder, shall be punishable with fine which may extend to five hundred rupees.

5. Whoever counterfeits any grade designation mark or has in his possession any die, plate or other instrument for the purpose of counterfeiting a grade designation mark shall be punishable with imprisonment which may extend to two years, or with fine, or with both. Penalty for counterfeiting grade designation mark.

6. The Governor General in Council, after such consultation as he thinks fit of the interests likely to be affected, may by notification in the Gazette of India declare that the provisions of this Act shall apply to an article of agricultural produce not included in the Schedule, and on the publication of such notification such article shall be deemed to be included in the Schedule. Extension of application of Act.

THE SCHEDULE.

(See section 2.)

1. Fruit.
2. Vegetables.
3. Eggs.
4. Dairy produce.
5. Tobacco.
6. Coffee.
7. Hides and Skins.

STATEMENT OF OBJECTS AND REASONS.

In connection with the marketing surveys initiated by the Government of India, experiments have been started for the better grading of certain agricultural commodities, *e.g.*, hides and eggs. These experiments, which have been started after consultation with and the fullest co-operation of the local trade, have achieved marked success in creating a desire in the trade for the sorting and packing of the produce concerned according to prescribed grade specifications, and the marking of such grades of produce in a distinctive manner. These labels, seals and marks acquire a trade value by reason of the guarantee that they offer of the produce to which they are attached having been graded under supervision and the merchants and manufacturers concerned are of opinion that the use of such marks, etc., should be safeguarded against improper or unauthorised use. As the practice of using such marks is still only in an experimental stage, it is not proposed to make it obligatory on all persons who may be dealing in that commodity, but to limit it only to those who desire to participate in the experiment. No person, however, may make use of the mark without proper authority, or except in conformity with conditions that may be prescribed. Imitation or forgery of a prescribed mark must also be penalised if the experiment is to prove successful. The Bill is designed to achieve these objects.

G. S. BAJPAI.

NEW DELHI;

The 8th February, 1937.

MD. RAFI,
Secy. to the Govt. of India.

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